

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROLAND POUNCY,
Petitioner,

v.

S. PEERY, Warden,
Respondent.

Case No. 16-cv-02655 EDL (PR)

ORDER OF DISMISSAL

On May 17, 2016, petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ That same day, the court sent a notification to petitioner, informing him that he did not pay the filing fee, nor did he file a complete application to proceed in forma pauperis (“IFP”). The court provided petitioner with a blank IFP application, along with a return envelope, and a notification that the case would be dismissed if petitioner failed to pay the fee, or file a completed application with supporting documentation within twenty-eight days. More than twenty-eight days have passed and petitioner has not filed a filing fee, nor has

¹ Petitioner consented to magistrate judge jurisdiction. (Dkt. No. 5.)
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petitioner filed a complete IFP application.

CONCLUSION

Accordingly, this case is DISMISSED without prejudice. The Clerk shall terminate all pending motions and close the file.

Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right [or] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability is DENIED.

IT IS SO ORDERED.

DATED: July 7, 2016


ELIZABETH D. LAPORTE
UNITED STATES MAGISTRATE JUDGE

United States District Court
Northern District of California